

Reorganization of the appellate defender function		Agency/Program #: 6108-02-G1
		Division: Appellate Defender
		Program: Appellate Defender
Agency Name:	Office of Public Defender	
Agency Contact:	Harry Freebourn	496-6084
LFC Contact:	Representatives Sesso and Taylor	
LFD Liaison:	Pat Gervais	444-1795
OBPP Liaison:	Brent Doig	444-4118

Program or Project Description:

--

Appropriation, Expenditure and Source				
Fund Name:	2008		2009	
	Approp.	Expended	Approp.	Expended
General Fund				
State Special				
Federal Funds				
Total:	\$0	\$0	\$0	\$0

Approp & Expenditure numbers are as of October 31, 2007

Goal(s):

Reorganization of the appellate defender function so that effective assistance of counsel is provided upon appeal and in a timely manner – generally within 30 days and without continuance in dependent and neglect cases

Performance Measures :

of appeals filed (prior years compared to current)
 # of continuances requested (prior years compared to current)
 % of cases assigned to contract counsel (prior years compared to current)

2009 Biennium Significant Milestones:		Completion Dates	
		Target	Actual
1			
2			
3			
4			
5			

Performance Report:**LFD Narrative:****EXECUTIVE CHANGES:**

--Changes to goals/initiatives - No

--Changes to performance measures - Yes, number of continuances requested was removed

LFD ASSESSMENT:

--Goal is measurable within the biennium: Partially, need to relate numbers of appeals filed, etc. to goal of providing effective assistance in a timely manner

--Progress toward goal: On-track

APPROPRIATION ISSUES:

--Appropriation/expenditures provided - No

--Other appropriation issues - None

OPTIONS REGARDING THE GOAL/INITIATIVE AND PERFORMANCE MEASURES

--On track - The work group may wish to discuss how the number of appeals filed illustrates achievement of the goal.

--The work group may wish to discuss why the number of continuances requested was removed from the list of performance measures.



Version	Date	Author
AO-1	12/4/07	Gervais

Change Description
1st Report





GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Goals/Objectives

Agency Contact: Harry Freebourn | **Phone Number:** 406-496-6084 |
Agency Name: Department of Administration |
Division: Office of Public Defender |
Program (identify and briefly describe): Appellate Defender- This program provides appeal services for indigent services |

List a single goal and brief description:

Reorganization of the appellate defender function so that effective assistance of counsel is provided upon appeal and in a timely manner - generally within 30 days and without continuance in dependent and neglect cases |

Describe the performance measures related to this goal:

1. The number of appeals filed (prior years compared to current)
2. The percentage of cases assigned to internal attorneys vs contract counsel |

List significant milestones and target dates to be completed in the 2009 Biennium:

||

Describe the current status of the measurements related to the goal:

1. The number of appeals filed for FY 2005 and FY 2006 are noted as follows:

FY 2005: 21 opening appellant briefs
16 reply briefs filed by ADO
130 opening briefs were filed by the OPD or other court appointed/private attorneys
157 response briefs to appellant opening briefs were filed by the Attorney General's Office
FY 2006: 5 opening Appellant briefs
8 reply briefs filed by ADO
68 opening briefs were filed by the OPD or other court appointed/private attorneys
129 response briefs to appellant opening briefs were filed by the Attorney General's Office
FY 2007: 93 opening appellant briefs filed by ADO
40 reply briefs filed by ADO
74 opening appellant briefs were filed by the OPD or court appointed/private attorneys
158 response briefs to appellant opening briefs were filed by the Attorneys General's Office
As of July 1, 2007 thru November 14, 2007, the ADO office has filed:
52 opening appellant briefs filed by ADO
31 reply briefs filed by ADO
10 opening appellant briefs were filed by the OPD or court appointed/private attorneys
51 response briefs to appellant opening briefs were filed by the Attorneys General's Office

The estimated number of appeals per appellate attorney (2 FTE) for FY 2005 were 10.50

The estimated number of appeals per appellate attorney (2 FTE) for FY 2006 were 2.5

The estimated number of appeals per appellate attorney (5.5 FTE) for FY 2007 were 16.9

2. The percentage of cases assigned to internal attorneys as of the date of this report is approximately 85% vs. the number assigned to external attorneys of 15%. |